

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name(s): National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

Funding Opportunity Title: Coastal and Estuarine Land Conservation Program - FY 2011 Competition

Announcement Type: Initial

Funding Opportunity Number: NOAA-NOS-OCRM-2011-2002253

Catalog of Federal Domestic Assistance (CFDA) Number: 11.419, Coastal Zone Management Administration Awards

Dates: Applications must be received by Grants.gov or be delivered to the OCRM office (address listed in this announcement) no later than 6:00 p.m. Eastern Daylight Time on April 9, 2010. No facsimile or electronic mail applications will be accepted. Paper applications delivered after the deadline will not be accepted, regardless of postmark date. Please note that it may take Grants.gov up to two (2) business days to validate or reject an application. Please keep this in mind when developing your submission timeline; do not wait until the last day to submit an application.

Funding Opportunity Description: The purpose of this document is to advise eligible coastal states and territories (requirements described below) that OCRM is soliciting coastal and estuarine land conservation project proposals for competitive funding under the CELCP. States and territories must have submitted to NOAA a CELCP plan on or before February 19, 2010, in order to be eligible to participate in the FY2011 funding opportunity. Funding is contingent upon the availability of FY 2011 Federal appropriations. It is anticipated that projects funded under this announcement will have a grant start date between June 1, 2011 and October 1, 2011. The program authority is 16 U.S.C. 1456-1.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

The Coastal and Estuarine Land Conservation Program (CELCP) was authorized "for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses." This announcement solicits proposals for land acquisition projects (fee simple interest or conservation easements) that can be completed within 18 months from the start date of the award (anticipated between June 1, 2011 and October 1, 2011) and that have the purpose of protecting important coastal and estuarine areas. NOAA may extend the performance period for project grants up to an additional 18 months (for a maximum total performance period of 3 years) if circumstances warrant and if progress on the project is being demonstrated.

The state or territory's designated lead agency for implementing the CELCP may solicit project proposals from additional state/territorial agencies identified in the state/territory CELCP plan, local governments as defined at 15 CFR 24.3, or entities eligible for assistance under section 306A(e) of the Coastal Zone Management Act (CZMA) (16 U.S.C. 1455a(e)), defined below, provided that each agency or entity has the authority to acquire and manage land for conservation purposes. Eligible coastal states and territories may select and submit up to three projects for this competition. The maximum amount that may be requested for the Federal share of each project is \$3,000,000. NOAA will evaluate proposals that include multiple parcels for project readiness and feasibility of completion within the 18 month timeframe.

Project proposals should describe how the project supports the purpose of the CELCP (described above), and specifically, how the project fits into the state or territory's CELCP plan. Applicants should both identify the primary purpose of the project (i.e., protection of ecological, conservation, recreational, historic or aesthetic values) and describe how the project will further this primary purpose. Proposals should also discuss: how the project protects other relevant conservation, recreation, ecological, historical, and aesthetic values; how the property is threatened by conversion from its natural, undeveloped, or recreational state to other uses; how existing and future uses will be managed consistently with long-term conservation; the likelihood that the project will be completed in a timely manner; and, if

applicable, whether and how the project provides benefits to a National Estuarine Research Reserve (NERR) (for more information on NERRs in each state, please visit: <http://nerrs.noaa.gov/Reserves.html>). Proposals should include the applicant's qualifications (and those of project partners, if applicable) to acquire and manage property for long-term conservation (either directly or through partnership agreements). Proposals should also include a detailed budget estimate that describes the basis for the requested Federal funding amount, the proposed land acquisition costs, and other costs that directly support the project. The project's budget estimate should account for both Federal CELCP funds requested and funds to be used as the non-Federal matching share.

The CELCP Guidelines, published in the Federal Register on June 17, 2003 (68 Fed.Reg. 35860-35869), establish the eligibility, procedural, and programmatic requirements for participation in the CELCP, including the criteria for financial assistance awards under the program. The Guidelines outline the criteria and process for eligible states and territories to develop a CELCP plan, nominate land conservation projects to a national competitive process, as well as the criteria and process for NOAA to select projects at the national level for funding. All applications submitted pursuant to this notice must be consistent with the CELCP Guidelines, except for the following:

- * For this solicitation, the eligibility requirement that states and territories have an approved CELCP plan was expanded to include states and territories that submitted a draft CELCP plan to NOAA for review on or before February 19, 2010. A list of the status of each state and territory's CELCP plan, including the states and territories eligible for this competition, is available at http://coastalmanagement.noaa.gov/land/media/CELCPplans_web.pdf.

- * Any changes directed by CELCP's new 2009 authorization language (16 U.S.C. 1456-1), as described in this notice.

The CELCP Guidelines can be found at <http://www.coastalmanagement.noaa.gov/land/media/celcpfinal02guidelines.pdf>. The text of the new law can be found at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h146enr.txt.pdf (Title XII, Subtitle E, Section 12502 of H.R. 146).

B. Program Priorities

CELCP's authority (16 U.S.C. 1456-1) specifies that priority be given to lands which can be effectively managed and protected, that have significant ecological value, that have a demonstrated need for protection, and that have ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations. Of the projects that meet that standard, priority will also be given to projects that are under an imminent threat of conversion to a use that will degrade or diminish their natural, undeveloped or recreational state, or projects that will serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment. Project proposals should reflect, and will be given higher priority if they reflect, the land conservation priority area(s) identified in a draft or approved CELCP plan.

In addition, the CELCP's 2009 authorization also specifies that no less than 15 percent of appropriated CELCP funds be reserved for CELCP acquisitions that benefit NERRs.

A project may be considered not ready or eligible if the project is not viable due to elements determined inconsistent with the CELCP Guidelines or the 2009 CELCP authorization (16 U.S.C. 1456-1), or if it receives a very low score in any of the four evaluation criteria areas (described in section V.A. of this announcement). NOAA may also take the results of its technical review into account as a selection factor, particularly with regard to project costs, proposed uses, and past performance of the project proponents (if applicable). This is to ensure that each project selected for funding provides for the protection of significant coastal and estuarine values, is consistent with the program, can be effectively executed within the performance period, and can be managed and protected for long-term conservation. In some cases, NOAA may recommend the project for funding at a reduced level if certain elements of the project's proposed budget are determined ineligible.

This competition will result in a prioritized list of projects that are considered ready and eligible for funding in FY 2011. Each proposal will be reviewed to determine whether proposed costs and uses are consistent with the CELCP Guidelines and the 2009 CELCP authorization (16 U.S.C. 1456-1) and will be scored by merit reviewers according to the evaluation criteria described in Section V ("Application Review Information") of this notice.

If the CELCP receives additional funds appropriated in FY 2011 for regionally-targeted projects, similar to those requested in FY 2010 as part of the U.S. Environmental Protection

Agency (EPA) Great Lakes Restoration Initiative, NOAA may select additional projects from the prioritized list resulting from this competition to award such funds.

C. Program Authority

Authority for the CELCP is 16 U.S.C. 1456-1 (formerly authorized under 16 U.S.C. 1456d).

II. Award Information

A. Funding Availability

NOAA anticipates that approximately 20-60 projects may be included on a competitively-ranked list of projects that are ready and eligible for funding in FY 2011. Funding for projects selected for the prioritized list is contingent upon availability of Federal appropriations for FY 2011. Applicants are hereby given notice that funds have not yet been appropriated for this program. The FY 2011 President's Budget request for CELCP is \$15 million. Annual appropriated funding levels for the CELCP have ranged from \$8-\$50 million from FY 2002-2009.

Eligible coastal states and territories may select and submit up to three projects for this competition, including subsequent phases of projects previously funded by CELCP. Applicants may include multiple parcels in a project proposal if the parcels are related; however, please note that NOAA will evaluate project readiness and feasibility for completion within the required 18 month timeframe. For such projects, NOAA recommends that applicants limit the scope to acquiring no more than 5 separate parcels (including parcels that would be acquired directly with CELCP funds as well as those that would be counted an in-kind match). See section III.C. for additional details. The maximum amount that may be requested for the Federal share of each project is \$3,000,000. The amount of funding per award in previous years has ranged from \$105,000 to \$3,000,000 for competitively selected projects, depending on the amount requested, size, and type of project.

There is no guarantee that sufficient funds will be available to make awards for all qualified projects. Publication of this notice and the list of projects deemed ready and eligible does not oblige NOAA to award any specific project or to obligate any available funds. If an applicant incurs any costs prior to receiving an award agreement signed by an

authorized NOAA official, they do so at their own risk of these costs not being included under the award. In no event will NOAA or the Department of Commerce be responsible for proposal preparation or other project costs if this program fails to receive funding or is cancelled because of other agency priorities. Recipients and sub-recipients are subject to all Federal laws and agency policies, regulations, and procedures applicable to Federal financial assistance awards.

NOAA is committed to continual improvement of the grants process and accelerating the award of financial assistance to qualified recipients in accordance with the recommendations of the NOAA Program Review Team. If funding is appropriated in FY 2011 for projects recommended through this competition, NOAA will request final grant applications from successful applicants as soon as feasible in order to expedite the grant process (see VI. Award Administration Information). Applicants must be in good standing with all existing NOAA grants in order to receive funds.

B. Project/Award Period

The standard financial assistance award period is 18 months. Project proposals should include a timeline with discrete benchmarks for completing the project within this award period. NOAA will evaluate project readiness and feasibility for completion within this timeframe. For FY 2011, projects should assume a start date between June 1, 2011 and October 1, 2011. NOAA has the authority to extend an award by an additional 18 months, for a maximum performance period of three years (Sec. 5.2 of the CELCP Guidelines), if circumstances warrant, such as unforeseen circumstances that prevent the project from being completed within the original award period. In order to qualify for an extension, grant recipients must be in good standing (i.e., up-to-date on all progress and financial reports), demonstrate progress during the initial award period, and be able to demonstrate that additional time is likely to result in successful completion of the project.

C. Type of Funding Instrument

Projects are funded as grants. CELCP grants are subject to the terms and conditions described in Section 5 of the CELCP Guidelines.

III. Eligibility Information

A. Eligible Applicants

Only coastal states and territories with Coastal Zone Management Programs or National

Estuarine Research Reserves approved under the CZMA, and that have submitted a draft CELCP plan to NOAA on or before February 19, 2010, are eligible to participate in the FY 2011 CELCP competition. A list of the status of each state and territory's CELCP plan, including the states and territories eligible for this competition, is available at http://coastalmanagement.noaa.gov/land/media/CELCPplans_web.pdf, and will be updated as of as of February 19, 2010.

The designated lead agency for implementing CELCP in each state or territory ("lead agency") is eligible to submit projects for funding under this competition. The lead agency is presumed to be the agency designated as lead for implementing the state or territory's coastal management program, as approved under the CZMA, unless otherwise designated by the Governor. A list of lead contacts for each state and territory is available on the CELCP website at <http://coastalmanagement.noaa.gov/land/media/celcpstateleadcontacts.pdf>.

The designated lead agency may solicit, and include in their application, project proposals from additional eligible state or territorial agencies, local governments as defined at 15 CFR 24.3, or entities eligible for assistance under section 306A(e) of the CZMA (16 U.S.C. 1455a(e)), provided that each has the authority to acquire and manage land for conservation purposes. As defined at 15 CFR 24.3, local government means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government. Under section 306A(e) of the CZMA, an eligible entity may be a local government, an areawide agency designated under Chapter 41, Subchapter II, Section 3334 of Title 42, a regional agency, or an interstate agency. The public agencies/entities, or types of entities, considered to be eligible within each state or territory may be identified within the state or territory's CELCP plan. A list of websites for state or territory CELCP plans is available at http://coastalmanagement.noaa.gov/land/media/CELCPplans_web.pdf.

The lead agency will be responsible for: ensuring that projects are consistent with land conservation priorities outlined in the state or territory's draft or approved CELCP plan; reviewing proposals for completeness and eligibility requirements; prioritizing proposals according to CELCP plan criteria; and nominating up to three proposals to the national selection process at a requested funding level not to exceed \$3 million per proposal. For

selected projects, NOAA may make financial assistance awards to the lead agency, which will be responsible for ensuring that allocated funds are used for the purposes of and in a manner consistent with this program, including any funds awarded to an eligible sub-applicant. NOAA may, with concurrence of the state or territory's CELCP lead agency, make a grant directly to the identified sub-applicant in order to expedite completion of an approved project. In such cases, the sub-applicant (as the grant recipient) will be responsible for ensuring that allocated funds are used for the approved purposes and in a manner consistent with this program.

Interested parties should contact the appropriate CELCP lead in each state or territory for additional information on their project solicitation process. (See <http://coastalmanagement.noaa.gov/land/media/celcpstateleadcontacts.pdf> for a list of lead contacts for each state and territory.)

B. Cost Sharing or Matching Requirement

Federal funds awarded under this program must be matched with non-Federal funds at a ratio of 1:1, with the following exception. In accordance with 48 U.S.C. 1469a(d), the 1:1 matching requirement is waived for any project under \$200,000 for Insular Areas, defined as the jurisdictions of the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. For any project equal to or greater than \$200,000, the matching requirement would be waived for the portion under \$200,000. The 1:1 match requirement would apply to the portion equal to or above \$200,000. Please note: Eligible applicants choosing to apply 48 U.S.C. 1469a(d) should note the use of the waiver and the total amount of funds requested to be waived in the matching funds section of the project proposal.

Non-Federal matching funds may be derived from state, local, non-governmental or private sources in the form of cash or in-kind contributions. Eligible sources of match and other cost-sharing requirements are specified in Section 2.7 of the CELCP Guidelines as well as in the 2009 CELCP authorization (16 U.S.C. 1456-1), and are outlined in detail in section "III.C. Other Criteria that Affect Eligibility," below.

The following costs may not be counted toward the non-Federal matching share:

* Costs associated with CELCP-funded properties that are incurred prior to the grant

award.

* Lands or services previously used as match to a Federal grant. Any funds or in-kind contributions, including the value of donated lands or services, that have been previously used to satisfy the matching requirements of this program or that have been or will be used to satisfy another Federal grant, may not be counted toward the non-Federal matching share.

* Lands or services acquired with Federal funds. Unless otherwise provided by Federal law, the value of property, interests in property or services acquired with Federal funding may not be used as non-Federal match.

* Cash contribution of Federal funds. Unless otherwise provided by Federal law, funding that originated from Federal sources may not be used as non-Federal match.

C. Other Criteria that Affect Eligibility

1. Eligible Projects and Uses of CELCP Funds

CELCP provides support for acquisition of fee simple interests in lands or conservation easements from willing sellers within eligible coastal states and territories (as defined in "Eligible Applicants," above).

In order to be eligible to compete, a project must:

* Be located in a coastal and estuarine area included within the CELCP boundary, as identified in the state or territory's CELCP plan;

* Match Federal CELCP funds with non-Federal funds at a ratio of 1:1, except as noted in section III.B. of this notice;

* Be held in public ownership by the grant recipient (please note: If the grant recipient is a state agency that does not have authority to hold title to lands, the property may be held by another state agency that has the authority and mission to own and manage land for conservation purposes in a manner consistent with CELCP. If the project includes lands

being contributed as in-kind match, the match properties may be held either in public ownership or by a qualified non-governmental organization);

- * Provide conservation in perpetuity;

- * Provide for public access or other public benefit, as appropriate and consistent with resource protection;

- * Be consistent with a state or territory's coastal management program approved under the CZMA;

- * Be acquired from a willing seller; and

- * Complement working waterfront needs, to the extent practicable.

To meet the CELCP's national criteria, projects should:

- * Protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

- * Give priority to lands that: can be effectively managed and protected, have significant ecological value, have a demonstrated need for protection, and have ability to successfully leverage funds; and

- * Directly advance the goals, objectives, and implementation of the state or territory's CELCP plan, which necessarily includes goals and objectives that relate to the coastal management plan or program, NERR management plans approved under the CZMA, national objectives of the CZMA, or a regional or state watershed protection plan for states and territories with approved coastal management plans.

CELCP funds (i.e., the Federal share) may be used for:

* Acquisition of properties or interests in properties (conservation easements) from willing sellers, including direct expenses relating to the acquisition of lands under the CELCP. Costs to be paid from the Federal share must be documented and expended within the grant award period. Applicants may include multiple parcels in a project proposal; however, please note that NOAA will evaluate project readiness and feasibility for completion within the required 18 month timeframe. For projects that propose to acquire more than one property, NOAA recommends that applicants limit the scope to acquiring no more than 5 separate parcels (including parcels that would be acquired directly with CELCP funds as well as those that would be counted as an in-kind match). Properties containing multiple parcels covered under a single appraisal, title report and survey plat could count as one parcel (e.g., a subdivided property with the same landowner). To warrant consideration as a single project, parcels must be located in the same vicinity, be substantially related in terms of conservation values, or have other direct physical or strategic connection (for example, acquiring multiple properties that will be assembled into a single greenway).

* Direct and indirect costs for administering the grant award. Note that administrative costs may be included in the Federal share, the match share, or a combination thereof, but the total amount allocated for costs of this nature may not exceed the value of 5 percent of the Federal share, e.g., a proposal requesting \$3 million in CELCP funds may include a maximum of \$150,000 for administrative costs in the budget. Whether included in the Federal share or the match share, such costs must be incurred within the grant award period. Direct and indirect costs may include time spent by staff for project planning, implementation, and review, as well as costs for certain initial land stewardship activities, such as signage, public safety, or other stewardship purposes. Expenses such as appraisals, surveys, title opinions, and other transaction costs, are considered acquisition costs and do not count toward the 5 percent limit. If an application includes indirect costs, the amount must be based on the indirect cost rate negotiated and approved by the applicant's cognizant Federal agency. NOAA may require applicants to submit a copy of their indirect cost rate agreement.

* Allowable grant costs are limited to costs necessary and reasonable to achieve the approved objectives of a grant and must be consistent with general cost principles for grants awarded by Federal agencies, as contained in the Office of Management and Budget (OMB) Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments." A copy of OMB Circular A-87 (and A-122, referenced later in this notice) can be found at http://www.whitehouse.gov/omb/grants/grants_circulars.html.

The negotiated price of the property or conservation easement should be based on the fair market value as established by a complete and self-contained appraisal prepared by an independent state-approved appraiser. Appraisals must reflect nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisition (the "Yellow Book"). If an appraisal has not been completed at the time a project proposal is submitted, the applicant may propose a good-faith estimate of the cost for the project based on market value or agreement with the willing seller. However, if the project is selected for funding, an appraisal will be required before funds can be released. The amount of the grant cannot exceed the estimated cost in the project application. If the appraised value of the property is higher than the estimated cost in the project proposal, the applicant must make up the difference. If the appraised value is lower than the estimated cost, NOAA will reduce the Federal share of the project as appropriate. More information can be found in section 4.2.d in the CELCP Guidelines.

CELCP funds may not be used for:

- * Funding long-term operations, maintenance, and management of the land (above those costs allowed for initial land stewardship);

- * Construction of buildings, boat launching facilities, docks or piers, shoreline armoring, or other facilities;

- * Research;

- * Outreach and education;

- * Acquisition of lands, or interests in lands, that completely restrict access to specific persons (e.g. non-residents of a community);

- * Acquisition of lands, or interests in lands, to comply with mandatory or compensatory mitigation for recent, pending or future habitat losses resulting from the actions of agencies, organizations, companies, or individuals;

- * Enforcing fish, wildlife, or other regulations, either solely or primarily, except when necessary for the accomplishment of approved project purposes;

* Acquisition of land for active recreation, such as sports facilities, water parks, playgrounds, or similar uses; or

* Reimbursement of expenses that have been incurred prior to the start of a grant award, with the following exceptions:

If an applicant incurs costs before the effective date of the grant, they do so at their own risk. Applicants may receive reimbursement for certain costs incurred within 90 days prior to the grant's official start date if they are requested in the application and the applicant can demonstrate it is necessary to incur the costs prior to the official award start date. Pre-award costs eligible for consideration include such costs as needed for conducting: appraisals, title work, and environmental assessments. The cost of land acquisition may also be reimbursed as a pre-award cost if the acquisition occurred between the "selection date" (the date that NOAA selects its list of projects that are deemed ready and eligible for funding) and the start date for an approved grant award.

Please note that the total project budget may not include more than the equivalent of 5 percent of the federal share in expenses that are not directly related to acquisition. (This does not include appraisals, surveys, title opinions, and other direct transaction costs.)

2. In-Kind Contributions of Matching Funds (the non-Federal share)

Non-Federal matching funds may be derived from in-kind contributions of conservation lands or services associated with acquiring such lands. It is important to note that different windows and eligibility criteria apply for costs being counted toward the Federal share and costs being counted toward the non-Federal matching share (please visit <http://coastalmanagement.noaa.gov/land/media/summarykeyrqmts.pdf> for a summary of eligibility criteria and costs for the Federal share and non-Federal match share). In-kind contributions may include:

* The value of other lands or easements acquired by or donated to the grant recipient or a qualified non-governmental organization (non-profit organizations recognized under Section 501(c)(3) of the IRS code whose primary mission is to acquire and manage land for the purposes of conservation). Please note that the following provisions apply:

- o In-kind contributions may be acquired or donated during the award period, or within the three years prior to submission of a final grant application ("banked match"), as described in section 2.7.c. of the CELCP Guidelines.

- o The 2009 CELCP authorization requires that the value of an in-kind land contribution be based on its value at the time the grant closes. For the purposes of the FY 2011 competition, the value at "grant closing" will be based on an appraisal whose date of valuation is within the nine months preceding the expiration of the award period (e.g., for an award expiring September 30, the appraisal valuation date must be as of January 1 or later).

* Donated land value (i.e., a "bargain sale" of a property to the grant recipient in cases where the purchase price is less than full appraised value and the seller intends to contribute the difference in value to the project).

* In-kind services such as land management planning, on-site remediation, restoration, enhancement (including donated labor and supplies) for properties to be acquired with CELCP funds are eligible if the expenses are incurred within the period of the grant award award performance period.

* Costs associated with acquisition of lands or easements proposed for use as in-kind match, (e.g. direct acquisition-related expenses such as title, appraisal, survey, etc.), or such in-kind services as land management planning, remediation, restoration, or enhancement may be used as non-federal match if expenses are incurred within the period of the grant award or within three years prior to submission of a final grant application.

In-kind contributions must be: necessary and reasonable to accomplish the objectives of the project; identified in the project application and proposed budget; documented as part of the completed project (in the final performance report); and completed per the appropriate window of eligibility.

For projects selected for funding, final grant applications would be due to NOAA sometime between January and June of 2011. Therefore, for the purposes of this competition, "banked match" must be incurred, depending on the anticipated date of application, no earlier than January through June of 2008.

Lands or easements that are used as match must:

- * Be in the vicinity of the property being acquired with CELCP funds, be substantially related in terms of conservation values, or have other direct physical or strategic objective connections to the CELCP property.

- * Meet the eligibility criteria and stewardship requirements described in sections 2.3-2.6 of the CELCP Guidelines.

- * Be held by the grant recipient or a qualified non-governmental organization. Qualified non-governmental organizations generally include non-profit organizations recognized under Section 501(c)(3) of the IRS code and whose primary mission is to acquire and manage land for the purposes of conservation. Lands owned in fee title by another public agency or organization ("third party") may be used if a conservation easement is provided to the grant recipient, but in such cases, the value of the match would be the value of the conservation easement. Regardless of who holds title to the match property, the grant recipient remains responsible for the match requirement over the long-term (including responsibility for the financial obligation if match properties are sold or converted).

- * Not be required as compensatory mitigation.

- * Be acquired from a willing seller.

The application should document the value of in-kind contributions, including land and services proposed for use as match. For property(ies) to be used as match, applicants should describe the characteristics of the property, the timeframe in which the property was or will be acquired, and how it meets the eligibility criteria described above. Please note that the

2009 CELCP authorization requires the value of in-kind match properties to be based on value at the time of grant closing (within nine months preceding award expiration). The valuation should be supportable based upon a complete and self-contained appraisal reflecting nationally-recognized appraisal standards (i.e., the Uniform Appraisal Standards for Federal Land Acquisition).

See also 15 CFR 24.24 Matching or Cost-Sharing (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) for determining the value of in-kind contributions. For projects involving in-kind match properties held by qualified non-governmental organizations, see OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations).

3. Other Cost Provisions

In general, user fees should not be charged to access lands acquired through this program. However, if state or local law requires that user fees be charged (such as entrance fees that would be required for access to any state park), or if additional revenue is needed specifically for the purposes of managing user access of the property, the fees should comply with applicable standards for such user fees. In such cases, all income or other revenues derived from the fees shall be used for the maintenance or management of the property.

Leasing or renting of the property or interest in property is generally prohibited unless specifically authorized by NOAA (e.g., if the property or easement to be acquired is subject to an existing lease that is consistent with the objectives of the CELCP project). If approved, all income or other revenues derived from an approved lease or rent arrangement shall be used to maintain or manage property.

CELCP grants are subject to the terms and conditions described in Section 2 (Eligibility Requirements) and Section 5 (Acceptance and Use of Funds) of the CELCP Guidelines. If any of the documentation required in the Guidelines is not available at the time of a final grant application, NOAA may include special award conditions in the grant that must be met before funds can be released.

4. Allowable Uses of Lands Acquired with CELCP Funds or Used as Match

The following activities are considered consistent with conservation purposes under the CELCP:

- * Resource protection;
- * Restoration and enhancement, such as vegetative erosion control or restoration of natural water flow to the area;
- * Low-impact recreational activities, such as hiking, hunting and fishing;
- * Access for swimming, canoeing, kayaking or other non-motorized vessels; and
- * Research and educational activities.

Construction of facilities on a minor scale, such as restrooms or boardwalks, to facilitate uses listed above and/or for the purpose of minimizing harm to coastal resources due to public access and recreation, may be allowed depending on the proposed use of the property and the site environment.

The following activities are considered to be inconsistent:

* Active agricultural, including timber, or aquaculture production (note: timbering on a limited scale may be allowed for conservation-oriented purposes such as habitat restoration, for example, to restore a forest that has been managed for timber production to a more native forest type or to create suitable habitat for rare, threatened or endangered species);

* Shoreline armoring or other hard erosion control structures; and

* Construction or expansion of roads, buildings or facilities, including active recreation facilities such as sports facilities, water parks, or playgrounds, except as noted under "eligible uses."

Pre-existing uses, including term leases or life estates, must be identified as part of the project application. If a project proposes to continue any pre-existing activities as a long-term use of the site, NOAA will review such uses for potential impacts and to determine whether they are consistent with the purposes of the CELCP and with allowable uses under the program guidelines. For properties that contain existing structures or incompatible uses (such as commercial agriculture or forestry), applicants may wish to consider acquiring a conservation easement over a portion of the property, rather than acquiring the property in fee (or some other means that would exclude non-conforming uses from the CELCP-funded portion of the site). If a project is approved with pre-existing uses, such uses may not be expanded or converted to other uses without prior approval of NOAA.

Terms and conditions specified in deeds and conservation easements must be consistent with the purposes of the CELCP. NOAA will review deeds and conservation easements to ensure that provisions are consistent with allowable uses under the program. These provisions apply to properties acquired with CELCP funds, as well as to properties contributed as in-kind match.

5. Title and Ownership

Title to the land or interests in land (conservation easement) acquired with CELCP funds must be held in perpetuity by the grant recipient or subgrant recipient, or if the grant recipient is not authorized to hold and manage lands for conservation purposes, by another appropriate public agency designated by the recipient (i.e., an agency with a mission consistent with long-term conservation and that will manage CELCP-acquired and match properties consistently with the goals of CELCP and the CELCP Guidelines). Title and ownership of land or interests in land (conservation easement) used as match must also be held in perpetuity by the same public agency or a qualified non-governmental organization. If the land interest will be held by an entity other than the grant recipient, the grant recipient remains financially accountable for the funds received and the match obligation and ensuring that the lands (both CELCP-acquired properties and properties used as in-kind match) remain protected consistent with the terms of the grant. Eligible recipients and sub-recipients are described in section III.A. above.

As a condition of the grant award, NOAA will require that language be recorded for each deed or easement advising that the property has been acquired with Federal funds from NOAA or used as match for same, and assurances that the property will be held for conservation in perpetuity. If the property has already been acquired prior to the start of the award (such as in the case of "banked match"), the recipient, the recipient's designated public agency, or the qualified non-governmental organization must record and furnish to NOAA a covenant or other appropriate notice of record advising of the same. See section 5.3 of the CELCP Guidelines for additional information on special award conditions.

If the property or interest in property acquired with CELCP funds is sold, exchanged, divested, or converted to other uses that are inconsistent with the purposes for which it was acquired, the recipient must return funds to NOAA. If a property used as match for CELCP funds, or interest in property used as match, is sold, exchanged, divested, or converted to other uses that are inconsistent with CELCP, the recipient must return the equivalent value of funds to NOAA. The grant recipient is legally and financially accountable for the funds received and ensuring that lands (both CELCP-acquired properties and properties used as in-kind match) remain protected consistently with the terms of the grant, regardless of ownership. See section 2.6.c. of the CELCP Guidelines for additional information.

IV. Application and Submission Information

A. Address to Request Application Package

The full funding opportunity announcement and application materials are available online at: <http://www.grants.gov> or NOAA's CELCP web site under "Funding Opportunities" (http://coastalmanagement.noaa.gov/land/celcp_fundingop.html). They may also be requested by contacting the program official identified below.

Elaine Vaudreuil

Phone: (301) 713-3155 ext. 103

E-mail: Elaine.Vaudreuil@noaa.gov

Fax: (301) 713-4370

B. Content and Form of Application

1. Proposals

An application for each stand-alone proposal may be submitted electronically at <http://www.grants.gov>, or by mail by sending a signed original and four copies to the address listed in section IV.G. below. (For applications that include color or high-resolution graphics, unusually sized materials, or otherwise unusual materials, hard copy submission is recommended and may be done in addition to electronic submission.) The stated requirements for the number of proposal copies provides for a timely review process. No e-mailed or faxed applications will be accepted.

Each proposal must include all Required Elements. Supplemental Elements are not required at this time, but will be required before grant funds can be released if the project is selected for funding. However, submitting one or more Supplemental Elements with the project proposal may help substantiate the project's "readiness." (See section IV.B.2. below for more information on Required and Supplemental Elements.) If submitting electronically through Grants.gov, applicants will also need to submit a form SF 424.

Applications must be received by the deadline (refer to section IV.C. Submission Dates and Times, below). Applicants that wish to submit electronically but do not currently have a Grants.gov account are encouraged to begin the process of registering as soon as possible.

2. Required and Supplemental Elements

Each proposal must include the following four Required Elements. In addition, the following seven Supplemental Elements may be submitted if they are available, but are not required with the proposal. For projects that are selected for funding, Supplemental Elements will be required before grant funds can be released (see section 4.4 of the CELCP Guidelines). For more detailed descriptions, examples, and templates of Required and Supplemental Elements, see Appendices B-D of this funding notice.

REQUIRED ELEMENTS (for each project proposal)

(1) Project Description/Scope of Work. The following information should be provided for the project site and any parcel that is to be used as match. The Project Description/Scope of Work should include information on the project site's size, location and relationship to coastal or estuarine features, environmental significance, the legal rights to be acquired, and any conversion threats to the property. The Project Description should specify: the primary purpose of the project (i.e., ecological, conservation, recreation, aesthetic, or historic); how the proposed project meets the state and national criteria and its expected benefits in terms of coastal and estuarine land conservation, and specifically, how the project supports the priority areas identified for projection the state or territory's CELCP plan; pre-existing uses of the property and the nature of those uses (including existing structures, leases, etc.); and activities or uses planned for the project site after acquisition and how those activities/uses are consistent with the long-term protection of the site's ecological or other values. The project description should also describe a strategy for long-term stewardship, including information on continuing support for maintenance and enforcement against illegal uses and, if restoration is proposed, when and how that will be accomplished. Project descriptions should also specify a proposed award period for the grant (not to exceed 18 months) and include a project timeline with discrete benchmarks for completing the project within the requested award period. Finally, the Project Description/Scope of Work should also include photographs of the project site (approximately 2-10) that document the values described in the text of this element.

If applicable, the Project Description/Scope of Work should also describe specific benefits to National Estuarine Research Reserves (NERRs). This should include how the project helps to meet the goals of the NERR's management plan or other watershed conservation plans developed by the reserve or with reserve input. The application should also describe the relative location of the project with respect to the NERR, specifically identifying whether it is a buffer that protects core reserve resources or a buffer area within the reserve's coastal watershed. Project applications designated as "benefitting a NERR" must provide a letter from the appropriate Reserve Manager describing and/or validating benefits to the reserve. For more information on the National Estuarine Research Reserves, including contact information for Reserve Managers, please visit <http://nerrs.noaa.gov/Reserves.html>.

It is strongly recommended that applicants use the Project Description/Scope of Work template, located in Appendix A.

(2) Project Budget and Justification of Proposed Costs. The project budget should include a breakdown of project costs and justification, including the source of proposed matching funds. If the overall cost of the project exceeds the amount of requested CELCP funds plus matching share, please provide a breakout of costs for the entire project (e.g., including other sources of funding that will be used to complete the project). Land acquisition costs should be based on appraised value or other estimate of fair market value. Section 2.5 of the CELCP Guidelines outlines eligible and ineligible uses of CELCP funds. These are also described under "Eligibility Information" in Section III of this announcement. The project budget should also specify whether this project has been submitted in application for other sources of Federal funding, and if so, which Federal program(s) and year(s). It is strongly recommended that applicants use the Project Budget template, located in Appendix B.

(3) Project Checklist. The Project Checklist enables NOAA to determine if a project may have any adverse impacts and whether additional information maybe required to satisfy the requirements of applicable Federal laws, regulations or policies. The project checklist must be signed by a representative of the eligible public entity that will receive funds to execute the project. Submitting an unsigned project checklist that does not identify the certifying official may result in the project not being found to be ready and eligible. The Project Application Checklist can be found in the Funding Opportunities section of the

CELCP website at http://coastalmanagement.noaa.gov/land/celcp_fundingop.html and in Appendix C of this announcement.

(4) Project Location and Site Maps. Two maps should be submitted: (1) a regional map showing the general location of the project, and (2) a map or aerial photo of the project site that shows the location and extent of the proposed acquisition, its relationship to significant natural features, and adjacent land uses.

SUPPLEMENTAL ELEMENTS

The supplemental elements are not required with this proposal, but if the project is selected and funded, these elements and other forms would be required before grant funds can be released (see section 4.4 of the CELCP Guidelines). Submitting one or more of these items with the project proposal may help substantiate the project's "readiness."

(1) Documentation of Willingness or Intent to Sell. The applicant should submit a letter from the seller affirming that s/he is a willing participant in negotiations to sell the property at a mutually agreeable price. If the property was previously acquired (as in the case of a property being used as banked in-kind match), the applicant should submit an affidavit documenting that the purchase was not the result of a forced taking or threat of condemnation. Note that this element is not required for match properties held by non-profit organizations, which do have not legal authority to acquire property through condemnation.

(2) Evidence of Agreement. The applicant should submit documentation verifying the terms of the purchase, such as a contract, purchase & sale agreement, or option, as described in Section 4.2.f. of the CELCP Guidelines.

(3) Appraisal. The applicant should submit a complete and self-contained appraisal establishing the fair market value of the property. The appraisal must be developed in accordance with the Uniform Standards of Professional Appraisal Practice (http://www.appraisalfoundation.org/s_appraisal/sec.asp?CID=3&DID=3) and the Uniform Appraisal Standards for Federal Land Acquisition ("Yellow Book")

(<http://www.usdoj.gov/enrd/land-ack/>).

(4) Survey. The applicant should submit a survey of the property to be acquired.

(5) Evidence of Title. The applicant should submit documentation that shows that the seller is the legal owner of the property and identifies any easements or other encumbrances on the property to be acquired. Examples of such documentation include an attorney title opinion or property report from a title insurance company.

(6) Environmental Assessment or Environmental Impact Statement (Optional). If available, the applicant should submit any environmental assessment or environmental impact statement that has been done for the property.

(7) Certification that Project Complements Working Waterfronts. The applicant should submit certification from the CELCP lead agency that the proposed project complements (e.g. does not conflict with or impede) working waterfront needs.

C. Submission Dates and Times

The deadline for receipt of proposals through Grants.gov or delivery to the OCRM office (address listed below) is 6:00 p.m. EDT on April 9, 2010. Applications received after this deadline will not be reviewed or considered. It is strongly recommended that applicants allow sufficient time for delivery of materials, whether electronically or by mail, to OCRM by the deadline.

Proposals may be submitted electronically through Grants.gov online at: <http://www.grants.gov> or by mailing a signed original and four copies of each proposal to Attn: Elaine Vaudreuil, NOAA, Ocean and Coastal Resource Management, National Policy and Evaluation Division (N/ORM7), 1305 East-West Highway, SSMC4, Station 10657, Silver Spring MD 20910. (For applications that include color or high-resolution graphics, unusually sized materials, or otherwise unusual materials, the hard copy submission method is recommended and may be done in addition to electronic submission via Grants.gov.)

If submitting by mail, use of a guaranteed delivery service is preferred due to the potential for security-related delays in delivery of mail sent via standard postal service. Paper applications delivered after the deadline will not be accepted, regardless of postmark time or date. Please keep this in mind when developing submission timelines.

If submitting electronically, do not wait until the application deadline to begin the application process through Grants.gov. To use Grants.gov, applicants must use the CELCP lead agency's DUNS number. Please ensure that the Grants.gov account of the agency's authorized representative is active. Once an application has been submitted electronically, applicants should receive two automated receipts from Grants.gov - the first confirms receipt and contains a Grants.gov tracking number; the second confirms that there are no errors with an application submission and that the application has been forwarded to NOAA for further processing. Please note: it may take Grants.gov up to two (2) business days to validate or reject the application. If you do not receive both, the application may not have been successfully forwarded - please follow up with the Grants.gov help desk for assistance. You may also consider submitting by mail as well, to ensure the proposal is received at NOAA by the deadline. NOAA Office of Ocean and Coastal Resource Management staff can confirm receipt of submission, but cannot resolve issues with Grants.gov or extend the application deadline due to difficulties with submission via Grants.gov.

D. Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs" for states that participate in this process. A list of the participating states and the clearinghouse points of contact can be found at <http://www.whitehouse.gov/omb/grants/spoc.html>.

E. Funding Restrictions

Awards will contain special award conditions that recipients must meet as a term of accepting the grant, such as the requirement to include language in the property deed or conservation easement restricting the use and disposition of the property, as well as to install a permanent sign at the site acknowledging NOAA's funding. Other special award conditions may be included if not already met by the time a final grant application is submitted. A sample list of the conditions can be found at: <http://coastalmanagement.noaa.gov/land/media/celcpattachment3.pdf>.

F. Other Submission Requirements

Eligible states and territories may submit up to three projects for review under this competition. The maximum amount that may be requested for the Federal share of each project is \$3,000,000. Applicants may include multiple parcels in a project proposal; however, please note that NOAA will evaluate project readiness and feasibility for completion within the required 18 month timeframe. NOAA recommends that projects proposing to acquire multiple properties comprise no more than 5 separate parcels, including parcels that would be acquired with CELCP funds as well as those that would be counted as in-kind match. Parcels must be in the same vicinity, be substantially related in terms of conservation values, or have other direct physical or strategic connection (for example, as identified in a conservation plan). Properties containing multiple parcels covered under a single appraisal, title report and survey plat (such as a subdivided property held by the same landowner) could count as one parcel.

Interested parties should contact the appropriate state or territorial CELCP lead for additional information on the state's project solicitation process or any additional state requirements that may apply. A list of lead contacts for each state and territory is available on the CELCP website at <http://coastalmanagement.noaa.gov/land/media/celcpstateleadcontacts.pdf>

The proposal may be submitted electronically through Grants.gov online at: <http://www.grants.gov> or by mailing a signed original and four copies of each proposal to Attn: Elaine Vaudreuil, NOAA, Ocean and Coastal Resource Management, National Policy and Evaluation Division (N/ORM7), 1305 East-West Highway, SSMC4, Station 10657, Silver Spring MD 20910.

V. Application Review Information

A. Evaluation Criteria

1. Importance and/or relevance of proposed project to the program goals (55 points out of 110)

This evaluation factor seeks to determine whether there is intrinsic value in the proposed

work and relevance to NOAA, Federal, regional, state/territorial, or local priorities. For this competition, this means determining the ecological, conservation, recreational, aesthetic, and/or historical/cultural value of the proposed project, as well as the public benefits gained from the long-term protection and management of the property. Applicants should describe specifically how the project meets the goals and criteria described in the state or territorial CELCP plan. Projects will be reviewed and ranked according to the degree to which they:

- * Protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical/cultural, and/or aesthetic values;
- * Support their primary purpose (whether conservation, recreation, ecological, etc.), as well as the degree to which they contribute to the other values; and,
- * Advance the priorities within a state or territory's Coastal and Estuarine Land Conservation Plan, as well as the degree to which they support the goals, objectives, or implementation of the state or territory's coastal management plan approved under the CZMA, a NERR management plan approved under the CZMA, and/or regional, state/territorial or local watershed protection plans.

Priority will be given to projects that protect lands with significant ecological value and that advance the priorities within the Coastal and Estuarine Land Conservation Plan or the state/territory's coastal management program approved under the CZMA.

Each applicant should identify the project's primary purpose (protection of ecological, conservation, recreational, aesthetic, or historic value). The other four values will be evaluated as secondary purposes of the project. A description of how each value will be evaluated follows, as well as how relevance to CELCP or other conservation plans will be determined. Applicants should also describe values and relevance for any lands proposed for use as in-kind match. For large parcels or projects for which CELCP funds provide only a portion of the total cost, please describe the characteristics of the portion of the property or project area that would be acquired with CELCP funding.

(i) Ecological value will be evaluated by the degree to which a project exhibits such features as: exceptional natural habitat quality and species diversity; linkages within an ecological corridor or protection of a large area of unfragmented habitat; habitat for rare, threatened or endangered species; ecological functions (e.g., filtering pollutants or flood control); presence of invasive species; etc. Because the CELCP authority specifies that

priority be given to projects that protect lands with significant ecological value, this value will receive a greater weighting (up to 10 points more) than the other four values. (up to 25 points if primary purpose; up to 10 points if secondary purpose)

For evaluation of ecological value, applicants should describe:

- * The different habitat types that are found on the project site (e.g., upland forest, scrub/shrub, fields, etc.). Provide information on the habitat quality, including any impairments such as invasive species, and provide estimated acreages for the different habitat types.

- * The ecological importance of the acquisition for the region, particularly in relation to coastal and estuarine resources and ecosystems. For example, discuss species diversity on the project site, whether the site contains habitat of specific importance to the region, and/or whether protecting the site is an important part of protecting ecological connections in the region. If the project site is part of a network of existing or proposed protected areas, describe how the project will enhance linkages among ecologically important areas in the region.

- * How the habitat supports, or may support, Federal- or state-listed rare, threatened or endangered species. For example, does the site provide enough acreage to support a viable population of an endangered species, or will it enhance existing protected areas that already provide habitat for a viable population of an endangered species?

(ii) Conservation value will be evaluated by the degree to which a project: helps attain the goals of a larger conservation plan or comprehensive plan, even though it may not currently exhibit high intrinsic ecological, recreational value or other values (for example, migratory corridors, setbacks or stream buffers, etc.); has potential to contribute significantly to ecological, recreational or other values if restored; and/or exhibits a strong mix of ecological, recreation, historic and aesthetic values that collectively contribute important benefits to the coastal and estuarine environment that are not provided by those values individually. (up to 15 points if primary purpose; up to 5 points if secondary purpose)

For evaluation of conservation value, applicants should describe:

- * How the property fits within a larger conservation plan, such as a state or territorial CELCP plan, coastal management plan, NERR management plan, or other comprehensive coastal or watershed protection plan.

* How acquisition of the site will help establish corridors and/or linkages among areas of significant conservation, ecological, recreational or aesthetic values that are already protected.

* Whether restoration is planned for the site and the potential for successfully restoring the site's ecological values if the site's ecological values are impaired due to circumstances that have affected the site's integrity (e.g., invasive species, alterations such as dikes or clearing for agricultural and silvicultural uses, etc.). If restoration is planned, applicants should describe the plan and/or timeline for restoration, including availability of financial support for the proposed restoration.

* Whether the project exhibits a mix of ecological, recreation, historic and aesthetic values that together contribute important benefits to the coastal and estuarine environment that are not provided by those values individually.

(iii) Recreational value will be evaluated by the degree to which a project provides opportunities for public access to and/or recreational enjoyment of the coast and how it supports plans for addressing public access and coastal recreation needs. (up to 15 points if primary purpose; up to 5 points if secondary purpose)

For evaluation of recreational value, applicants should describe:

* The property's significance or contribution with regard to coast-dependent or nature-based recreation and whether the project supports priorities for recreational access identified in a state or territorial CELCP plan or other assessment of needs for coastal recreation;

* Whether the coastal access is located in an area of determined need at the local, regional, or national level; and

* Whether the project site will be easily accessible to many people and/or whether there will be any limits on accessibility for recreation, e.g., only allowing guided tours or having the site open only at certain times of the year.

(iv) Historic value will be evaluated by the degree to which a project contains significant historical, cultural, or archaeological features, particularly related to historical or traditional use of the coastal and estuarine environment, e.g., sites listed in (or eligible for listing in) the National Register of Historic Places, sites designated (or eligible for designation) as a

National Historic Landmark, or sites otherwise designated or recognized by a state or local government. (up to 15 points if primary purpose; up to 5 points if secondary purpose)

For evaluation of historic value, applicants should describe:

- * Historical, cultural, or archaeological features of significant value, e.g., features that are designated or could be designated as a National Historical Landmark or are listed on the National Register of Historic Places or a state or local register of historic places (please include information about any formal designation the site has received); and/or

- * Whether the site contains evidence of historical, cultural, or archaeological features that have not been formally evaluated.

(v) Aesthetic value will be evaluated in terms of the degree to which a project protects scenic vistas looking toward or from the site or protects sites designated as scenic byways, scenic rivers, and/or other state- or locally-designated cultural landscapes. (up to 15 points if primary purpose; up to 5 points if secondary purpose)

For evaluation of aesthetic value, applicants should describe:

- * The views to be preserved by this acquisition and the contribution this property makes to the surrounding area;

- * Whether the project protects a site designated nationally as a scenic byway or wild and scenic river or provides a buffer for these designated areas;

- * Whether the project supports a local- or state-designated scenic route, river trail, or other cultural landscape; and

- * Any other significant contribution(s) this property makes to the aesthetic character of the surrounding area.

(vi) Relevance to state CELCP or other conservation plans will be determined on the basis of how a project advances the priorities within a state or territorial Coastal and Estuarine Land Conservation Plan, coastal management program approved under the CZMA, National Estuarine Research Reserve management plan, or other coastal or watershed planning efforts. (up to 10 points)

For evaluation of relevance to state CELCP or other conservation plan, applicants should describe (and refer to maps or page numbers wherever possible):

- * How the project contributes to priorities and/or identified project areas in the state or territorial CELCP plan, including the specific project area and priority land type(s) or value(s) in the state CELCP plan that the proposed acquisition supports;
- * How the project contributes to a state or territorial coastal management plan approved under the CZMA;
- * How the project supports a regional, state, territorial, and/or local watershed planning effort; and
- * For projects benefitting a NERR, how the project helps meet the goals of the relevant reserve management plan or other watershed conservation plans developed by the reserve or with reserve input. (Please note: project proponents that wish to be considered for the 15 percent reservation of funds for CELCP projects that also provide benefits to NERRs, as directed by CELCP's 2009 authorization, will need to include a support letter from the relevant Reserve Manager, as described in section IV.B.2(1) of this notice).

2. Technical/Scientific Merit (25 points out of 110)

This evaluation factor seeks to determine whether the proposed approach is technically sound and/or innovative, whether the methods are appropriate, and whether there are clear project goals and objectives. For this competition, this means projects will be reviewed and ranked according to the degree to which they:

- * Can be effectively managed and protected over the long-term to conserve or restore ecological, conservation, recreation, aesthetic, or historical/cultural values;
- * Are threatened by conversion from their natural or recreational state to other uses; and
- * Can be executed within the performance period.

Priority will be given to projects that can be effectively managed and protected in terms of land stewardship and/or need for restoration or enhancement, based on such factors as:

whether the land is currently in the desired state for its intended purpose (e.g., land with ecological value that does not require restoration, control of invasive species, or remediation); compatibility of surrounding land uses with long-term conservation of the site's values; whether proposed uses of the site are compatible with the primary purpose for which the land is to be protected; and whether proposed uses maintain or improve the values present on the site. Because CELCP authority (Pub. L. No. 111-11) specifies that priority be given to projects that can be effectively managed and protected, "manageability" and "long-term use" will receive a greater weighting.

(i) Manageability will be evaluated in terms of the degree to which a project can be effectively managed over the long-term to conserve or restore ecological, conservation, recreation, aesthetic, and/or historical/cultural values. (up to 8 points)

For evaluation of manageability, applicants should describe:

- * The current use(s) and condition of the site;
- * The current and proposed uses of the area surrounding the site (e.g., development plans or uses allowed by zoning);
- * The degree of infestation by non-native species for each habitat on the project site;
- * Whether any restoration is needed and planned, as well as whether funding has been secured for that purpose; and
- * Any environmental remediation that has taken place and/or is needed on the project site.

(ii) Long-term use will be evaluated in terms of the degree to which a project is compatible with proposed land uses and surrounding land uses. (up to 7 points)

For evaluation of long-term uses, applicants should describe:

- * The uses that are proposed for the project site (including any existing uses that will be continued);
- * How the uses proposed for the project site are compatible with the primary purpose of the project; and

* How the ecological, conservation, recreation, historic, and aesthetic values present on the project site will be maintained or improved.

(iii) Threat of conversion will be evaluated by: the degree to which regional development trends or site-specific plans indicate a likelihood that the property will be converted from its natural, undeveloped, or recreational state to other uses; whether the site has development potential or development plans have been approved by local governing or other regulatory bodies; whether the property is on the market (listed for sale); and/or whether the current owner has expressed an interest in selling or developing the parcel. (up to 5 points)

For evaluation of threat of conversion, applicants should describe:

- * Current development pressures in the project area;
- * The development potential of the site, including current zoning and developable area; and
- * The current status of the property, such as whether it is listed for sale and/or whether any subdivision or development plans are pending for the site.

(iv) Project readiness will be evaluated by the likelihood that a project can be completed during the performance period, including factors such as: whether sites have been identified, the property is on the market, and/or negotiations with landowner have resulted in a purchase & sale agreement; whether appraisal, title opinion, and other documentation have been completed or can be produced within the performance period; and whether the site has any uncertainties (such as liens or judgments) that are not likely to be resolved within the proposed award performance period. Proposed projects with multiple parcels will be evaluated for project readiness and feasibility for completion within the required 18 month timeframe. Please note: NOAA recommends that each project propose to acquire no more than 5 separate parcels, including parcels that would be acquired with CELCP funds as well as those that would be counted an in-kind match. Properties containing multiple parcels covered under a single appraisal, title report and survey plat could count as one parcel. (up to 5 points)

For evaluation of project readiness, applicants should describe:

- * Whether parcels or project sites (both target and/or in-kind match properties) have been identified;
- * The stage of discussion with landowners, such as whether preliminary contacts have been made or whether negotiations have resulted (or are likely to result) in a purchase and sale agreement;
- * Whether supporting documentation has been completed;
- * Whether the property is subject to litigation, liens, judgments or other situations that may affect the likelihood that a project could be completed within the award period; and
- * Whether the site has had or currently has contamination or other environmental hazards that must be resolved before it would be suitable for public use.

3. Overall Qualifications of Applicants (10 points out of 110)

This evaluation factor seeks to determine whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. For this competition, this means projects will be evaluated by the degree to which an applicant has the proven capacity (such as staffing, resources, authority and expertise) and experience to execute the land transaction consistently with CELCP Guidelines and, directly or through partnerships, to manage property for long-term conservation of its ecological, conservation, recreation, aesthetic, or historical/cultural values consistently with CELCP Guidelines. For projects proposing in-kind match properties that would be held by a nongovernmental organization, applicants must demonstrate that the entity is a qualified 501(c)(3) non-profit organization whose primary mission is to acquire and manage land for the purposes of conservation.

(i) Ability to acquire land (up to 5 points)

For evaluation of ability to acquire land, applicants should describe:

- * The organization's legal authority, personnel, and expertise for acquiring lands for long-term conservation, either directly or through partnerships with another organization;
- * The organization's previous success in acquiring lands, or interests in lands, for

long-term conservation purposes; and

- * If applicable, for projects proposing in-kind match properties held by nongovernmental organizations (NGO), the organization's status as an NGO and the nature of its mission.

(ii) Ability to manage land (up to 5 points)

For evaluation of ability to manage land, applicants should describe:

- * The organization's capacity, in terms of funding, personnel, and expertise to manage the property or whether the property will be managed through a partnership or stewardship agreement with another organization;

- * The organization's success in managing other properties for conservation purposes; and

- * If applicable, for projects proposing in-kind match properties held by nongovernmental organizations, the organization's capacity and success in managing properties for long-term conservation.

4. Project Costs (20 points out of 110)

The budget is evaluated to determine if it is realistic and commensurate with the project needs and timeframe. For this competition, projects will be reviewed and ranked according to: whether land acquisition costs are reasonable and based on an independent appraisal or other assessment of fair market value; whether the source of non-Federal matching funds is consistent with CELCP Guidelines, is likely to be available within the performance period, and demonstrates successful leveraging of funds among participating entities; and whether direct and indirect costs for implementation of the project, if requested, are reasonable and consistent with CELCP Guidelines. Because they comprise the majority of project costs, land acquisition costs and matching funds will be given greater weight than other project costs for this evaluation.

For evaluation of project costs, applicants should describe:

- * How land acquisition costs were estimated, e.g., independent appraisal or another assessment of fair market value;
- * Any other direct acquisition-related costs, such as appraisal or title opinion, including whether such costs have already been expended;
- * The source of matching funds and whether they are in the form of cash, in-kind, or donated land or land value from properties that enhance the proposed CELCP project;
- * Whether matching funds are currently available or expected to be available within the performance period; and
- * Any other administrative costs to be charged to the grant or in-kind services to be used as match in order to document that they are reasonable and commensurate with the project needs.

For any property(s) that will be used for match, please also describe: the values that the property contributes; how the property(s) relates, in purpose and physical features, to the property that is proposed for acquisition with the Federal share; when the match property was or will be acquired; what legal rights were or will be acquired (whether fee or easement); who holds title to the legal rights; and the basis for the purchase price or donation value (e.g., independent appraisal or another assessment of fair market value).

For large parcels or projects for which the requested CELCP funding is only a portion, please explain: what portion of the property the CELCP funding would acquire; and whether the project would be viable if funding from other sources did not become available within the grant performance period.

Please also describe any additional sources of match that may be used as a contingency in the event that matching funds are not secured from the proposed source, or in the event that the value of proposed in-kind match properties depreciates prior to the required time of appraisal (within nine months prior to award expiration).

Eligible applicants choosing to apply the waiver for Insular Areas under 48 U.S.C. 1469a(d) should note the use of the waiver and the total amount of funds requested to be waived in the matching funds section of the proposal.

5. Outreach and Education (0 points out of 110)

NOAA assesses whether the project provides a focused and effective and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. This evaluation factor will not be used for this competition.

B. Review and Selection Process

Once an application has been received, NOAA will conduct an initial administrative review to determine compliance with requirements, completeness of the application, and eligibility of proposed costs and uses of the property. All proposals will be evaluated and scored individually in accordance with the assigned weights of the above evaluation criteria by an independent peer mail review or by an independent peer panel review. Both Federal and non-Federal experts may be used in this process.

Reviewers will evaluate the proposals, score them based on the criteria listed above, and submit individual ratings to NOAA. Each proposal will be reviewed by at least three reviewers. The scores will be presented to the program officers and averaged for a final score. No consensus advice will be given by the independent peer mail review or the review panel. The program officers will neither vote or score proposals as part of the independent peer review process.

The merit reviewers' ratings will be used to produce a rank order of the proposals. Their recommendations and evaluations will be considered by the Federal program officers for NOAA who will recommend to the Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration (the selecting official) that a final list be ranked in order unless the proposal is justified to be selected out of rank order based upon the appropriate selection factors, listed below.

The final ranked list may be made available prior to final appropriations or final selections. Subsequent grant administration procedures will be in accordance with current

DOC and NOAA grant administration procedures.

C. Selection Factors

The selecting official may choose to recommend a proposal out of rank order based upon:

- * Availability of funding;
- * Geographic distribution of projects and/or funds;
- * Program objective and priorities (see sections I.A. and I.B. of this announcement);
- * Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies;
- * The applicant's prior award performance;
- * The project's capacity to leverage other conservation dollars; and/or
- * Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations are made to the Grants Officer.

Applicants may be asked to modify objectives, work plans, or budgets, and to provide supplemental information prior to approving a final grant application. NOAA will review appraisals to determine if they are in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition ("Yellow Book"). If the appraisals are not in accordance with these Standards, the applicant may be required to obtain further information from the appraiser or get the appraisal revised. Alternately, the project award funding could be adjusted to reflect a lower value.

When a decision has been made (whether an award or declination), summaries of merit reviews and panel deliberations, if any, will be made available to the proposer upon request. Declined applications will be held in the NOS/OCRM for three years, in accordance with the current retention requirements, and then destroyed.

D. Anticipated Announcement and Award Dates

The review of the proposals will begin in April 2010. The prioritized list should be completed by September 2010. Upon receipt of final appropriations and funding

allocations, NOAA will select projects within the amounts available. NOAA will then request final grant applications for projects selected for funding shortly thereafter. The proposed project timeline should assume an award start date between June 1, 2011 and October 1, 2011.

VI. Award Administration Information

A. Award Notices

Applicants will receive notification in Fall 2010 of whether their project(s) have been included on the ranked FY 2011 list of projects considered ready and eligible for funding. Final selection of projects is contingent on availability of funding through FY 2011 appropriations. Applicants will be notified in Winter or Spring 2011 if their project(s) have been selected for funding subject to review and approval of a final grant application. Applicants will need to submit a final grant application to NOAA for selected projects that is consistent with Section 4.4 of the CELCP Guidelines sometime between January and May of 2011.

After submission of a final grant application, the notice of award is signed by the NOAA Grants Officer and serves as the authorizing document. It is provided either by postal mail to the authorized representative of the recipient organization (i.e., the individual who signed the application, if the recipient organization has not previously been a NOAA grant recipient) or electronically through NOAA's on-line award management system (Grants Online). New grant recipients that are not yet enrolled in NOAA's Grants Online system will receive information about enrolling in this system.

B. Administrative and National Policy Requirements

1. Coastal and Estuarine Land Conservation Program Policy Requirements

The project proposal must meet the CELCP Guidelines published in June 2003. The Guidelines are located at <http://coastalmanagement.noaa.gov/land/media/celcpfinal02guidelines.pdf>.

2. Administrative Requirements

Successful applicants that accept a NOAA award under this solicitation will be bound by Department of Commerce standard terms and conditions. This document will be provided with a copy of the award by the NOAA Grants Office, and can be found at: <http://www.osec.doc.gov/oebam/pdf/ST&C-rev-1002.pdf>.

In addition, award documents provided by the NOAA Grants Office may contain special award conditions limiting the use of funds for activities that have outstanding environmental compliance requirements to fulfill and/or stating other compliance requirements for the award as applicable, such as the required provision of an appraisal, title opinion, and deed language as described in the CELCP Guidelines, or requirements approved by OMB under control number 0648-0459 for submitting semi-annual progress reports.

Limitation of Liability: In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

3. NEPA Requirements

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals that are seeking Federal funding. Detailed information on NOAA compliance with NEPA can be found at: <http://www.nepa.noaa.gov/>, including NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6_TOC.pdf, and the Council on Environmental Quality implementation regulations, http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm. As part of an applicant's package, under the description of program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems).

In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting an environmental assessment if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for denial of an application.

4. Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation.

C. Reporting

Grant recipients are required to provide semi-annual financial and performance reports. Performance reports are required every six months from the time an award starts until it is closed. Performance reports are to be submitted to the NOAA program officer. The standard performance period is 18 months, but may be extended an additional 18 months if circumstances warrant. Within 30 days of the conclusion of each six-month period, recipients must submit a report summarizing activities conducted in support of the project during the prior six months. Financial reports are to be submitted to the NOAA Grants Officer. NOAA's Grants Management Division will also provide guidance for its semi-annual financial reporting requirements.

Within 90 days of the conclusion of the last reporting period, recipients must submit a final report that contains a summary of the project and activities, proof of the acquisition (recorded deed or conservation easement showing NOAA language), proof that a sign was installed (photo), and some representative site photos (digital preferred). A grant is not considered complete when the property closing occurs. Each grant recipient will need to demonstrate, through performance and financial reports, that all award conditions have been met before an award can be closed. Recipients must keep reporting until the end of the official award performance period unless they request to terminate the award early for convenience.

Financial and performance reporting, as well as all other grant management activities after a grant is awarded, are conducted electronically through NOAA's grants management system, NOAA Grants On-line, at: <https://grantsonline.rdc.noaa.gov/>. If not already registered, a Grants On-line account will be established for each recipient after a grant has been awarded. Also, each recipient will need to have a U.S. Treasury ASAP account in order to draw funds electronically.

VII. Agency Contacts

CELCP Program Manager, Elaine Vaudreuil

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E-mail: Elaine.Vaudreuil@noaa.gov

VIII. Other Information

Information about the CELCP, including Program Guidelines, can be found on NOAA's CELCP website at <http://coastalmanagement.noaa.gov/land/welcome.html>. The full funding opportunity announcement and application materials are available via the grants.gov web site: <http://www.grants.gov>, at NOAA's CELCP website: http://coastalmanagement.noaa.gov/land/celcp_fundingop.html, or by contacting the program official identified above.